



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,549	06/19/2006	Juris Sules	ADV B-781	4068

7540
Duane Morris
1667 K Street N.W.
Suite 700
Washington, DC 20006

03/20/2003

EXAMINER

RAMSEY, KENNETH J.

ART UNIT PAPER NUMBER

2879

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/597 549

Applicant(s)

SULCS ET AL

Examiner

Kenneth J. Ramsey

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-6 and 8-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) (Paper No. 1-2)
- 4) ☐ Interview Summary (PTO-413) (Paper No. 1)
- 5) ☐ Notice of Informal Patent Application (PTO-150)
- 6) ☐ Other

Prior Art Rejections

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-12 and 14-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlgren et al (4,891,555) in view of Kowalczyk et al 5,525,863.

Ahlgren et al teaches the basic blow molding process for forming an arc lamp but lacks the asymmetrical shape and teaches shrink sealing in lieu of a press molding sealing process. Kowalczyk et al teaches a lamp having an asymmetrical cross section about the horizontal plane in which the end portions are press sealed to have a flattened bottom section as disclosed at column 7, lines 30-39 and the press seal plane is below the center of the tube as shown by figure 4c. One purpose of the flattened portions is to reduce the temperature differences about the wall of the arc lamp, see e.g. the discussion of U.S. patent 5,016,150 at column 2, lines 31-49. See also, column 8, lines 20-27. Applicant has argued that even though the end portions of the arc tube of Kowalczyk may be given the flattened shape, the central portion of the tube would remain generally in the same circular cross section as the original tube stock from which the tube is made in view of the process by which the tube is made. However, it would have been obvious to one of ordinary skill in the art (1) that the flattened shape of the tube would have been advantageous in the center of the tube as well as at the end portions for the same reason advanced at column 2, lines 34-44 and (2) since the asymmetrical end portions of the arc tube with the flattened bottom can be formed

Art Unit 2879

against a mold by blow molding as at column 7 of Kowalczyk supra. that the entire tube can be formed by blow molding as in Ahlgren and (3) since the tube can be formed by blow molding, the walls throughout the tube can be positioned by the blow molding step so that the wall temperature is uniformed throughout. The fact that the tube in Ahlgren is not asymmetrical is immaterial since one of ordinary skill would have recognized that asymmetrical shapes could be blow molded as taught by Kowalczyk. Therefore, it would have been obvious for one of ordinary skill in the art to form the arc tube body of Ahlgren with an asymmetrical shape such as disclosed in Kowalczyk in order to provide an arc tube with uniform temperature walls. As to claims 8, 10, 11, 12, 23, 24 and 26, it would have been obvious to one of ordinary skill in the art to position the flattened portion of the mold in the top or bottom of the mold wherein the mold is divided about a horizontal plane since the forces of gravity are symmetrical about a vertical plane it would have been obvious to position the plane of symmetry about the vertical axis. Also, it is well known to split a mold on its horizontal plane to save floor space. Finally, the steps of forming the lamp by making pinch seals as recited in claim 17 is well known as shown by Kowalczyk et al.

Allowable Subject Matter

Claim 13 is objected to but would be allowed if made self contained since the prior art does not show or suggest the step of flattening the mold cavity over a length comprising 50 to 60 percent of the length of the mold cavity.

ACTION IS MADE FINAL

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit 2879

§ 706 07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

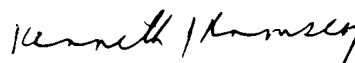
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Directions for Responses

Any formal response to this communication should be directed to examiner Kenneth Ramsey, Art Unit 2879, and either
faxed to: 703-872-9319; or mailed to: Box AF
Assistant Commissioner For Patents
Washington, D.C. 20231

Technical inquiries concerning this communication should be directed to Kenneth J. Ramsey, (703) 308-2324 (voice), (703) 746-4832 (fax).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Kenneth J. Ramsey
Primary Examiner
Art Unit 2879

kjr
March 18, 2003